

**REMARKS**

Reconsideration of the above identified application is respectfully requested. Claims 1, 3 and 15 have been cancelled and new claim 16 through 19 have been presented herewith. Claims remaining for consideration 2, 4-10, 16-19. The indication of allowable subject matter in claims 8-10 is noted with appreciation.

The Examiner had rejected initial claims 1-4, 7 and 15 under 35 U.S.C. § 102(b) as being anticipated by Takeda et al. (US. 5,308,708). Independent claims 1 and 15 have been cancelled and new independent claims 16 and 19 presented herewith in a sincere effort to overcome the rejection under 35 U.S.C. § 102(b) in view of Takeda et al.

Takeda et al. discloses a shutter for a cartridge composed of a non-magnetic erosion-resistant steel. In counter distinction claim 16 presented herewith clearly recites that the shutter is of aluminum plate material. Additionally, Takeda et al. provide a U-shaped shutter (see Fig. 5) with U-shaped having legs of equal length.

In counter distinction both claims 16 and 17 claim a shutter member which is also U-shaped but which has one leg or rectangular section segment longer than the opposite rectangular segment so as to cover the opening for a read/write head on the magnetic disc as well as an elongate opening to accommodate a drive shaft for the magnetic disc. No such structure is taught or suggested by Takeda et al., or any of the other references cited as of record but not applied by the Examiner in the first Office Action.

Accordingly, it is believed that claims 16 and 2-4 dependent thereon and newly presented claim 19 obviate the rejection under 35 U.S.C. § 102(b) in view of Takeda et al.

The Examiner also rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Takeda et al. in view of Kikuchi (US 5,729,272). As noted above, newly presented independent claims clearly recites structure not taught or suggested by Takeda et al. and such structure is not taught or suggested by Kikuchi which was only cited for specific details on how to provide characters, pictures, etc. on a metal shutter surface. Accordingly, claims 5 and 6 now dependent on newly presented claim 16 are also considered to be patentably distinct over the art of record.

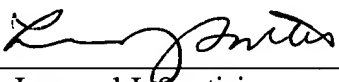
Accordingly in view of the above amendments and remarks, favorable reconsideration and allowance of the application are respectfully requested.

The issuance of the Notice of Allowance of the instant application is respectfully solicited.

Please charge any additional fees that may be needed by this amendment, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By   
Leonard J. Santisi  
Reg. No.24,135  
(858) 731-5000